

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:

AVEUM INVESTMENTS, LLC,  
  
Debtor.

CHAPTER 7

CASE NO. 19-60303-jwc

**APPLICATION OF CHAPTER 7 TRUSTEE TO RETAIN COUNSEL**

**COMES NOW** Cathy L. Scarver, the Chapter 7 Trustee in this case (“Trustee”),  
and respectfully shows:

1.

Aveum Investments, LLC (“Debtor”) filed a Petition under Chapter 11 of the U.S. Bankruptcy Code on July 1, 2019 (“Petition Date”).

2.

After the case was converted from Chapter 11 to Chapter 7, upon motion of the United States Trustee, Trustee was appointed as Chapter 7 Trustee of the bankruptcy estate of Aveum Investments, LLC (“Estate”) on September 3, 2019.

3.

Pursuant to 11 U.S.C. § 327, the Trustee has selected as her counsel, Anna M. Humnicky and the law firm of Small Herrin, LLP (“Small Herrin”).

4.

The partners and attorneys of Small Herrin are admitted to practice in the United States Bankruptcy Courts and the United States District Courts for the Northern, Southern

and Middle Districts of Georgia, have knowledge and experience in bankruptcy practice and are well qualified to represent the Trustee.

5.

Professional services to be rendered for which it is necessary to retain attorneys include, without limitation, the following:

- (a) Providing the Trustee with legal advice and any necessary assistance regarding her powers, rights, duties, and obligations, and pertaining to the administration of this case;
- (b) Preparing on behalf of the Trustee all necessary motions, applications, pleadings, answers, proposed orders, and certain reports and other papers;
- (c) Taking such legal action as is necessary to assure maximum recovery for the general unsecured creditors of the Estate;
- (d) Advising and representing the Trustee in hearings and other judicial proceedings; and
- (e) Performing any and all other legal services incident and necessary to the representation of the Trustee in this case.

6.

The Trustee desires to employ Small Herrin on the basis of routine hourly rates, payable after approval by the Bankruptcy Court.

7.

Small Herrin's requested compensation is based on the experience and expertise of the individuals performing the work. Small Herrin believes that the routine hourly fees to

be charged are in the range of the usual and customary fees charged by law firms of similar standing for the type of legal services contemplated herein.

The standard hourly rates of the attorneys and paralegals anticipated to be involved in the representation of the Trustee are currently as follows:<sup>1</sup>

Anna M. Humnicky	\$350.00
Paralegals	\$100.00 to \$150.00

8.

Small Herrin has indicated that it is willing to provide legal services to the Trustee and, upon performance thereof, will submit periodic applications for compensation and reimbursement in accordance with the Bankruptcy Code and Rules.

9.

To the best of the Trustee's knowledge, Small Herrin and the members thereof represent no interests adverse to the Estate in the matters upon which it is to be engaged by the Trustee, and its appointment will be in the best interest of this Estate.

10.

To the best of Trustee's knowledge, neither Small Herrin nor its partners

- a. are not related to Debtor and have not previously represented Debtor;
- b. have any connection with Debtor, its creditors, any other party in interest, their respective attorneys or accountants, or the United States Trustee, or any person employed in the Office of the United States Trustee; or

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<sup>1</sup> The hourly rates of Small Herrin's attorneys are customarily adjusted on January 1<sup>st</sup> of each year and from time to time as deemed appropriate.

c. hold or represent any interests that are adverse to the Estate.

11.

Small Herrin does not represent any other entity in connection with this case, except to the extent that Small Herrin represents Trustee in other unrelated Chapter 7 cases.

12.

Based upon the attached Verified Statement of Anna M. Humnicky in support of the Application of Chapter 7 Trustee to Retain Counsel, the Trustee believes that Small Herrin and its partners do not hold or represent any interest adverse to the interests of this Estate.

13.

The expenses of Trustee's counsel are a proper administrative expense of this case.

14.

A copy of the proposed Order granting this Application is attached hereto as Exhibit "A."

(CONTINUED ON NEXT PAGE)

**WHEREFORE,** the Trustee prays for authorization to retain counsel as hereinabove set forth, with compensation and reimbursement of expenses to be paid as an administrative expense and in such amounts as may be allowed by the Court, and for such other and further relief as is just and proper.

Dated this 16th day of September 2019.

By: /s/ Cathy L. Scarver  
Cathy L. Scarver, Chapter 7 Trustee  
Georgia Bar No. 628455

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Marietta, GA 30006  
(404) 551-5142  
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**UNITED STATES BANKRUPTCY COURT  
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CASE NO. 19-60303-jwc

**STATEMENT OF SMALL HERRIN, LLP  
PURSUANT TO 11 U.S.C. § 329(a) AND RULES 2014 AND 2016(b),  
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

The undersigned makes solemn oath:

(1) That I am a partner of the law firm of Small Herrin, LLP (“Small Herrin”) and that partners of said law firm are attorneys at law duly admitted to practice in the State of Georgia, and in the United States Bankruptcy Courts and the United States District Courts for the Northern, Southern and Middle Districts of Georgia, with offices at 2727 Paces Ferry Road, Building 2, Suite 200, Atlanta, GA, 30339.

(2) To the best of my knowledge, neither Small Herrin, LLP, nor the attorneys employed by Small Herrin, LLP, nor the individual entities owned by said attorneys, Gus H. Small, P.C., Brent W. Herrin, LLC, HAM Atlanta, LLC, and Benjamin S. Klehr, LLC<sup>1</sup> have had business, professional or other connections during two years prior and up to the date of this Affidavit with the aforementioned Debtor, its creditors, or any other party at interest in this case or their respective attorneys or accountants which would be adverse to

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<sup>1</sup> The attorneys are employed by Small Herrin, LLP, but are compensated by Small Herrin, LLP, via their individual entities.

this Estate, or the United States Trustee, or any person employed in the Office of the United States Trustee.

(3) The undersigned and the law firm, including its employees, partners and owners of its partners, are not related to Debtor and have not previously represented Debtor.

(4) The undersigned and the law firm, including its employees, partners and owners of its partners, neither have received nor will accept any compensation from any creditor or other party in interest in this case, except compensation for services rendered to the Trustee and reimbursement of necessary expenses from the Estate upon appropriate application to the Court.

Pursuant to 28 U.S.C. § 1746, I do hereby declare under the penalty of perjury, under the laws of the United States of America, that the statements contained in the foregoing Verified Statement are true and correct.

This 16<sup>th</sup> day of September 2019.

/s/ Anna M. Humnicky  
Anna M. Humnicky  
Georgia Bar No. 377850

# EXHIBIT A



**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:

AVEUM INVESTMENTS, LLC,  
  
Debtor.

CHAPTER 7

CASE NO. 19-60303-jwc

**ORDER REGARDING APPLICATION OF  
CHAPTER 7 TRUSTEE TO RETAIN COUNSEL**

Cathy L. Scarver, Chapter 7 Trustee (“Trustee”) for the bankruptcy estate of Aveum Investments, LLC. (“Estate”) in the above captioned case, filed an *Application for Chapter 7 Trustee to Retain Counsel* on September 16, 2019 (Doc. No. \_\_)(“Application”). The Application seeks approval to retain the law firm of Small Herrin, LLP (“Applicant”), as the Trustee’s counsel, pursuant to the terms and conditions set out in the Application.

The Application and accompanying affidavit demonstrate that Applicant is qualified to practice in this Court, that it is disinterested and represents no interest adverse to the estate, and that this case justifies employment of a professional for the purposes set forth in the Application. Accordingly, it is hereby

**ORDERED** that the Trustee is authorized to retain and appoint the law firm of Small Herrin, LLP, as her counsel for the purposes specified in the Application, subject to objection. Any objection must be filed and served on the Trustee within twenty-one (21) days of the entry of this Order; it is further

**ORDERED** that, except as otherwise ordered by this Court, compensation shall be paid to Applicant only upon notice, hearing, and approval by the Court, pursuant to 11 U.S.C. §§ 330 and 331 and Bankruptcy Rule 2016, of an appropriately detailed application.

**(END OF DOCUMENT)**

Prepared by:

/s/ Anna M. Humnicky  
Anna M. Humnicky  
Georgia Bar No. 377850  
Small Herrin, LLP  
2727 Paces Ferry Road  
Building 2, Suite 200  
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**Proposed Counsel for Cathy L. Scarver, Chapter 7 Trustee**

(CONTINUED ON NEXT PAGE)

By: /s/ Cathy L. Scarver  
Cathy L. Scarver, Chapter 7 Trustee  
Georgia Bar No. 628455

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## **DISTRIBUTION LIST**

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Cathy L. Scarver, Chapter 7 Trustee  
P. O. Box 672587  
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Thomas Wayne Dworschak, Esq.  
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Evan M. Altman, Esq.  
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**CERTIFICATE OF SERVICE**

I, Anna M. Humnicky, certify that I am over the age of 18 and that: A) on September 16, 2019, I filed and served copies of the ***APPLICATION OF CHAPTER 7 TRUSTEE TO RETAIN COUNSEL***, on the parties listed in Exhibit A, by using the Bankruptcy Court's Electronic Case Filing program which sends a notice of the above-listed document and an accompanying link to the document to the parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program, as indicated in Exhibit A; and B) on September 16, 2019, I served copies of the aforementioned document via First Class U.S. Mail, with adequate postage pre-paid, on the parties, as indicated in Exhibit A.

This 16th day of September 2019.

By: /s/ Anna M. Humnicky  
Anna M. Humnicky  
Georgia Bar No. 377850

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**Exhibit A**

<p>Cathy L. Scarver, Chapter 7 Trustee P. O. Box 672587 Marietta, GA 30006</p>	<p>Evan M. Altman, Esq. Evan M. Altman, Attorney at Law Building 2 8325 Dunwoody Place Atlanta, GA 30350-3307</p> <p>Via CM/ECF - <a href="mailto:evan.altman@laslawgroup.com">evan.altman@laslawgroup.com</a></p>
<p>George M. Geeslin, Esq. Two Midtown Plaza, Suite 1350 1349 West Peachtree Street, NW Atlanta, GA 30309</p> <p>Via CM/ECF - <a href="mailto:George@GMGeeslinLaw.com">George@GMGeeslinLaw.com</a></p>	<p>Thomas Wayne Dworschak, Esq. Office of the U. S. Trustee 362 Richard Russell Federal Bldg. 75 Ted Turner Drive, SW Atlanta, GA 30303</p> <p>Via CM/ECF - <a href="mailto:thomas.w.dworschak@usdoj.gov">thomas.w.dworschak@usdoj.gov</a></p>